

### REMARKS

The Office Action of March 25, 2009 has been carefully considered.

Objection has been raised to the drawings, and a new set of drawings is appended to this paper.

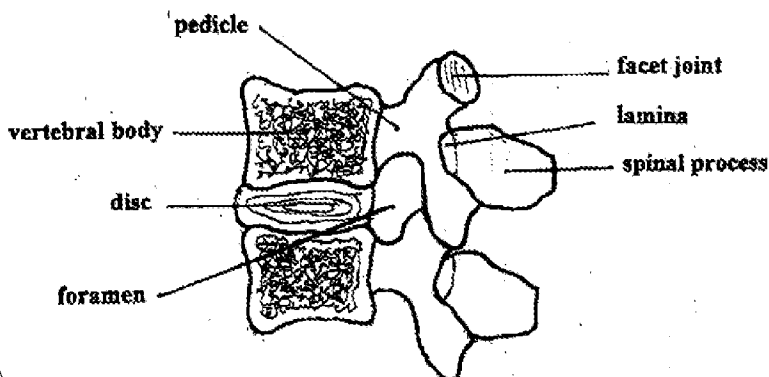
Claim 21 has been rejected under 35 USC 101 as directed to non-statutory subject matter, allegedly including a human within the claim. The claim has been amended to define the disposition of certain elements of the structure *in use*. No element of the human body is included within the claim.

Withdrawal of this rejection is requested.

Claims 25-26 and 29-32 have been rejected under 35 USC 112, 2<sup>nd</sup> paragraph, on the basis the term "the plates" lacks antecedent basis. The claims have been amended so that "an anchoring plate" is recited in claim 17, this term providing antecedent basis for subsequent recitations. Withdrawal of this rejection is requested.

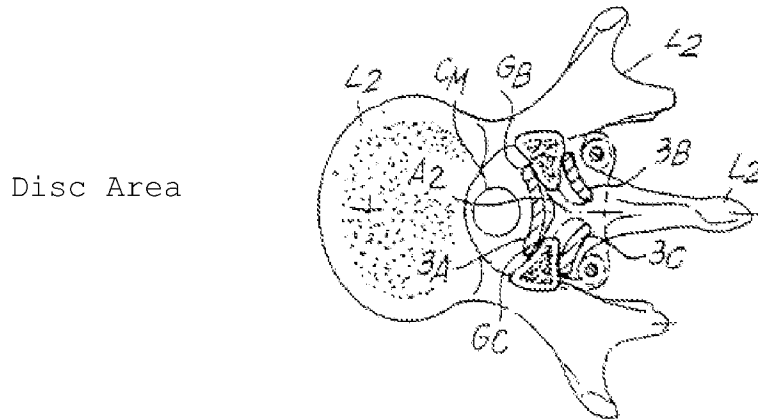
Claims 17-23 have been rejected under 35 USC 102(b) as anticipated by Samani.

The claimed invention utilizes the inter-laminar gap to introduce an intervertebral prosthesis, and to fix the prosthesis, by the means for engaging the vertebrae between the laminar arches.



As can be seen in Fig. 6 of the present application, the area of the disc is left completely free by the operation, which enables the surgeon to operate from the patient's back side, with a minimally invasive operation.

Fig.6



Samani discloses an interspinous cushioning element and not an interlaminar prosthesis. The Samani interspinous cushioning element is adapted to be placed between the spinal or spinous processes of two consecutive vertebrae.

As is well known, the spinous processes are much more external with respect to the bone marrow than the interlaminar region. For this reason, a cushioning element placed between the spinous processes can only be a provisional relief for pain, and cannot function as the prosthesis of the invention.

Withdrawal of this rejection is requested.

Claims 17-19 and 26-27 have been rejected under 35 USC 102(b) as anticipated by Coates et al.

Coates et al discloses an intervertebral prosthesis which is not, however, adapted for engaging the vertebrae between laminar arches of the adjacent lumbar vertebrae, and withdrawal of this rejection is requested.

Claims 17-19 and 24-25 have been rejected under 35 USC 102(e) over Coppes et al.

Coppes et al also discloses an intervertebral prosthesis which is not adapted for engaging lumbar vertebrae, and withdrawal of this rejection is requested.

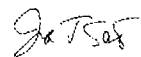
Claims 28-32 have been rejected under 35 USC 103(a) over Samani in view of LeCoudic et al and Senegas.

LeCoudic et al has been cited to show the use of anchors and auxiliary ligaments to secure an implant, and Senegas has been cited to show a device with a single auxiliary element. However, LeCoudic et al and Senegas also do not relate to interlaminar devices, so the combination of Samani with LeCoudic et al and Senegas cannot be used to arrive at the claimed invention.

Withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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